

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136035/FO/2023
Date registered valid: 9 May 2023
Proposal: Erection of self contained commercial unit (Class B8) to side yard
Address: 48 Derby Street, Manchester, M8 8HN
Ward(s): Cheetham Ward

Applicant: Mr. Shamaz Subhani
Agent (if any): Mr M Farooq
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 14 August 2023

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: 31 May 2023

Standard consultations:

Printed: 12 May 2023 Expired: 2 June 2023

Neighbour notifications

Printed: 12 May 2023 Expired: 2 June 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to the erection of a two-storey self-contained commercial unit (Class B8) to side yard of number 48 Derby Street. The site is rectangular, and the proposed building would be constructed in red brick and composite cladding and with a slate roof. The building immediately adjoins the back of public footway to the front. A 2.5 metres gap is maintained along the side of the building.

The building includes a large shopfront style window at ground floor level fronting the main road of Derby Street. The footprint of the building is recessed at the rear to include a small, private area accessed from Derby Street.

No 48 Derby Street is occupied by a fashion wholesaler which is also identified within the site edge red of the proposed building. Servicing and car parking requirements for both building share the small area at the rear of the proposed building.

Description of area

The site is situated within the warehouse district as identified by the Strangeways Local Plan. The immediate locality is dominated by a vast array of wholesale cash and carry businesses which serves the city and the surrounding region. The area is characterised by warehouses and depots with many businesses occupying, low-rise, buildings with large floor plates within a strong grid street pattern.

Description of development

Planning permission is sought for the erection of a two storey, commercial unit (Class B8) incorporating a new shopfront to Derby Street. The structure will nearly cover the entire footprint of the site.

No car parking provision is proposed.

The proposed extension will infill an area presently used for off road parking and servicing.

Consultations & Notification Responses

Local Residents/Occupiers - one objection has been received. Comments are summarised below:

- The proposed development will affect the right to light of an adjoining business.
- Removal of the gate would impact on security around buildings.
- Be detrimental for privacy of the occupiers of the surrounding properties.

Response to Objections Raised

The objector raised the issues the proposed building would inhibit right of light. The right for light is not necessarily an issue relating to the planning system. However, the objector also raised the issue of level of privacy being affected. The proposed building has no window apertures on the side elevations, nor do the adjacent building, outside the ownership of the applicant. Therefore, as a result of the proposal, it is not considered to have a detrimental impact on the amenity levels currently enjoyed for the occupant's of the surrounding buildings. Furthermore, the objector raised issues of security in relation to the available access to the rear of the site. Greater Manchester Police recommended the rear of the development should be restricted with a lockable gate installed as close to the front of the building as possible, to prevent access to the rear, which could leave the building and parked vehicles vulnerable. The implementation of this security measure should mitigate security issues raised by the objector.

Environmental Health - If approved, conditions are recommended in relation to hours of use, external equipment, waste management and a requirement for a preliminary assessment relating to ground conditions and site investigation.

MCC Flood Risk Management - A condition is advised which requires a surface drainage scheme for the site.

Highway Services -Additional plans were submitted by the applicant showing widening of the proposed Woolley Street vehicular access from 2.5m to 2.8m. However, plans showing pedestrian and vehicle visibility have not been provided. Highways therefore still have safety concerns due to the location of the abutting buildings at the point of egress which would severely limit visibility for egressing vehicles. The applicant revised the plans to remove the two car parking spaces from the rear of the building had a 2.5 metre gap between the gable and the neighbouring property, and requested that drawing number 1992/2, received electronically on the 10 July 2023, be determined.

Highways commented: although the transport statement, states, that the proposed building would support operations across the adjacent site (at no. 48 Derby Street), Highways understand that the proposed building could potentially operate as a stand-alone business, now or in the near future. As such, the proposed building would need to be supported by dedicated car parking and servicing provision, located within the curtilage of the site with safe means of access from the adjacent highway network.

Based on the above, Highways would not support the development proposals.

Greater Manchester Police- commented access to the rear of the development should be restricted with a lockable gate installed as close to the front of the building as possible, to prevent access to the rear which could leave the building and parked vehicles vulnerable. Furthermore, the building should be built to Secured by Design standards.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy T2 (Accessible Areas of Opportunity and Need) looks to manage the pattern of development to ensure that new development is located in accessible locations. Particular emphasis is given to the need to ensure residents are able to live in locations accessible to employment health, education, open space and leisure opportunities. The policy also states that all new development should provide appropriate car parking facilities.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant.

Policy CC10 encourages the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas. The Council recognises the regional role played by this locality and will pursue policies designed to improve the efficiency of existing businesses by environmental improvements and better parking and servicing.

Permission will only be granted where proposals incorporate sufficient parking and servicing for their own needs, subject to a proper balance of other planning requirements.

Strangeways Local Plan (2009) - This is a City Council document that outlines aspirations for the Strangeways area and recognises the economic importance that the area plays in the wholesale trades and as an important provider of employment in Manchester.

The Local Plan identifies the site as being within 'The Workshop Village', located on each side of Bury New Road, containing a mixture of large and small premises occupied by wholesalers, small-scale retail and distributors involved predominantly in textile, clothing and information communications and technology

The plan acknowledges the need to retain and improve the neighbourhood for employment uses business and encourages a public realm improvements and improvements to accessibility and the physical environment

National Planning Policy Framework

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental.

Paragraph 104 relates to transport issues and states such issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Paragraph 110 goes on to state that when considering development proposals, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (paragraph 109)

At paragraph 112 it states that 'Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

Section 12 of the NPPF relates to 'Achieving well-designed places'

Paragraph 134 states that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'

Issues

Principle

The principle of wholesale cash and carry uses and improvements to employment generating uses is generally considered entirely acceptable in this location.

Saved policy CC10 of the UDP and an important material consideration in the form of the Strangeways Local Plan, recognise the site as being within the warehouse district and therefore improvements to businesses which support economic growth in the area are generally welcomed.

In this case, despite the above, there are significant concerns that the proposal will lead to over-development and an over intensive use of the site, due to a lack of off road car parking provision to serve the development, and also as the application has failed to demonstrate that the additional unit can be adequately and effectively serviced.

Given the above and as explored further below, the application is considered contrary to saved policy CC10 of the UDP, policies DM1, T2 and SP1 of the Core Strategy and the National Planning Policy Framework (NPPF).

Impact on the Highway

Saved Policy CC10 relates specifically to the Cheetham area of Manchester and whilst it recognises the economic importance of wholesaling in the area, it advocates that permission should only be granted where proposals incorporate sufficient parking and servicing for their own needs.

This policy is reflected within policies DM1, T2 and SP1 of the Core Strategy, as well as the NPPF which all seek to ensure that new development proposals provide adequate parking space and ensure adequate servicing arrangements.

The City Council are concerned that the proposed creation of an additional wholesale unit would constitute over-development and lead to an over-intensive use of the site.

The immediate area is dominated by wholesale warehouse and cash and carry uses, which has created a highly congested environment, with a high frequency and turnover of vehicular trips generated by customers and larger vehicle used for serving needs. Off road car parking and manoeuvrability space within the highway is therefore at a premium, with demand for parking spaces significant, due to the cumulative impact of the many competing businesses in the area.

Consequently, this has led to competition for on-street parking spaces, increased unauthorised or hazardous parking, vehicular congestion and manoeuvrability issues.

In this instance, the proposed development will lead to the loss of off road parking spaces along the rear of the existing building which has been fenced off.

Whilst the circumstances surrounding the right to park in these spaces is unclear, the application includes an ownership declaration that the parking area belongs to the applicant and the application has been assessed on this basis. The proposal will nevertheless lead to the loss of off road parking associated with the host premises.

It is considered that in combination with the loss of parking spaces, the proposed use will entail a modest increase in vehicular trips and parking demand. Given the problems with on-street parking demand in the area, it stands to reason that the proposed development will exacerbate existing parking pressures to the detriment of the operation of the highway.

In addition to the above, the applicant has failed to demonstrate how the existing and proposed premises will be adequately serviced.

With all the competing servicing needs of the existing, proposed and neighbouring businesses, it has not been sufficiently demonstrated that servicing can safely take place, due to the lack of circulation space and also if multiple businesses were to be simultaneously serviced. The loss of external space and the addition of a further business would likely lead to an over intensive use of the site.

Although the transport statement, states that the proposed building would support operations across the adjacent site (at no. 48 Derby Street), Highways understand that the proposed building could potentially operate as a stand-alone business. As such, the proposed building would need to be supported by dedicated car parking and servicing provision, located within the curtilage of the site with safe means of access from the adjacent highway network.

On balance, taking account of the above, it is considered that the proposed would lead to the over-intensive use of the site and would lead to further highway difficulties in the area, as well as demonstrating the development can be satisfactorily serviced.

Visual and Residential Amenity

The proposed building is similar in appearance as the neighbouring building in terms of its design, height, scale, and massing. The building would be free standing leaving a similar sized gap either side of the gable. A door aperture is situated on the side of one elevations. The orientation of the building is as such, shadowing would occur upon the neighbouring property. However, due to nature of the use of the surrounding properties, along with the commercial setting, the impact of any shadowing would not be considered to be detrimental to the occupiers of the surrounding properties. Furthermore, the building is situated between two buildings, one of which has no windows on the side elevation facing the application site. The side elevation of the proposed building would face the rear elevation of the no 48 Derby Street. However, due to the distance and nature of the use of 48 Derby Street it is not anticipated the proposal would result in any arm to amenity for the occupants in terms of privacy and shadowing. Therefore, it is considered the proposal in terms of visual and residential amenity is acceptable.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed development, involving the creation of a further wholesale unit, would lead to an over-intensive use of the site, which fails to include sufficient arrangements for servicing or the parking of vehicles within the curtilage of the premises. The loss of existing off road parking provision coupled with the additional parking requirements to be generated, in an area that suffers a high demand for parking, would exacerbate on-street parking difficulties and localised traffic congestion, to the detriment of highway safety and the amenity of neighbouring business premises. As such, the proposal is contrary to policies DM1, T2 and SP1 of the Manchester Core Strategy, saved policy CC10 of the Unitary Development Plan and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Unit 3A, 50 Derby Street, Manchester, M8 8HF
Unit 7 And Unit 8, 50 Derby Street, Manchester, M8 8HF
4A Woolley Street, Manchester, M8 8EW
4B Woolley Street, Manchester, M8 8EW
47 Derby Street, Manchester, M8 8HW
Unit 4A, 50 Derby Street, Manchester, M8 8HF
British Relay Ltd, Woolley Street, Manchester, M8 8WE
Upper Ground Floor, 37 Derby Street, Manchester, M8 8HW
Lower Ground Floor, 37 Derby Street, Manchester, M8 8HW
Unit 8B, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 11A, 50 Derby Street, Manchester, M8 8HF
Unit 1 First Floor, 50 Derby Street, Manchester, M8 8HF
Unit 5 Part First Floor, 50 Derby Street, Manchester, M8 8HF
Unit 5 Ground Floor, 50 Derby Street, Manchester, M8 8HF
Unit 5 First Floor, 50 Derby Street, Manchester, M8 8HF
45 Derby Street, Manchester, M8 8HW
43 Derby Street, Manchester, M8 8HW
41 Derby Street, Manchester, M8 8HW
Unit 11, 50 Derby Street, Manchester, M8 8HF
Unit 7A, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 11, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 10, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 9, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 8A, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 7, Rear, 46 Derby Street, Manchester, M8 8HN
Unit 6, Rear, 46 Derby Street, Manchester, M8 8HN
First Floor, 37 Derby Street, Manchester, M8 8HW
Rear, 46 Derby Street, Manchester, M8 8HN
Unit C, 48 Derby Street, Manchester, M8 8HN
Unit B, 48 Derby Street, Manchester, M8 8HN
Unit A, 48 Derby Street, Manchester, M8 8HN
39 Derby Street, Manchester, M8 8HW
Unit 10, 10 Woolley Street, Manchester, M8 8WE
Unit 9, 10 Woolley Street, Manchester, M8 8WE
Unit 8, 10 Woolley Street, Manchester, M8 8WE
Unit 7, 10 Woolley Street, Manchester, M8 8WE
Unit 6, 10 Woolley Street, Manchester, M8 8WE
10 Woolley Street, Manchester, M8 8WE
Unit D, 50 Derby Street, Manchester, M8 8HF
Unit C, 50 Derby Street, Manchester, M8 8HF
Unit B, 50 Derby Street, Manchester, M8 8HF
Unit A, 50 Derby Street, Manchester, M8 8HF
Unit 5, 50 Derby Street, Manchester, M8 8HF
Unit 4, 50 Derby Street, Manchester, M8 8HF
Unit 3, 50 Derby Street, Manchester, M8 8HF
Unit 2, 50 Derby Street, Manchester, M8 8HF
Unit 1 Ground Floor, 50 Derby Street, Manchester, M8 8HF

50 Derby Street, Manchester, M8 8HF
Unit 5, 37 Derby Street, Manchester, M8 8HW
Second Floor, 37 Derby Street, Manchester, M8 8HW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA